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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,436

08/20/2003

Alessandro Manneschi

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07/21/2005

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EXAMINER

WHITTINGTON, KENNETH

ART UNIT

PAPER NUMBER

2862

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/645,436

Applicant(s)

MANNESCHI, ALESSANDRO

Examiner

Kenneth J. Whittington

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 15-19 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 11, 13, 14 and 20-22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

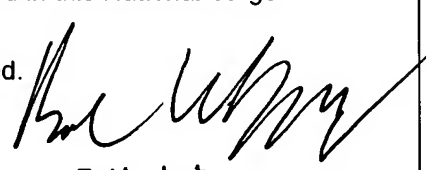
Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Bot Ledynh
Primary Examiner

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

6 The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

12 The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

18 The abstract of the disclosure is objected to because it contains language that can be implied, i.e., "This invention concerns" in line 1 and "This invention also concerns" in lines 11-12. The abstract is also objected to because it contains legal phraseology, i.e., "means" in lines 6, 7 and 8. Correction is required. See MPEP § 608.01(b).

30 *Claim Objections*

The claims are objected to because of the following informalities:

"the subsequent passing" in claim 1, line 6 lacks antecedent basis;

"this passage" in claim 10 lacks antecedent basis;

"and possibly repeating the procedure at a different height" in claim 10 does not recite a positive limitation and
6 accordingly with be interpreted accordingly;

", as will be shown in more detail later" in claim 18 refers to later dependent claims without any particular reference and accordingly reads as a multiple dependent claim. For purposes of examination, this phrase will not be given any weight.

12 Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

18 A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant
24 for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual

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Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 5-10, 12, 15-19, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tokutsu (US 6,479,993). Regarding claims 1 and 15, Tokutsu discloses a metal detector comprising transmitting coils (See Tokutsu FIGS. 1 and 4, item 21), receiving coils (See item 25) and an electronic processing circuit (See generally FIGS. 1 and 4) adapted to detect variations in signals received by the receiving coils in relation to a reference value (See col. 2, lines 36-52), further comprising a test module comprising selection means (See FIGS. 1 and 4, items 5 and 6) for detecting a test request, and control means (See FIGS. 1 and 4, items 3-13), used when a test request by the selection means is detected, for comparing the signals from the receiving coils, at the time of the subsequent passing of a standard reference object through the detector with a predetermined response (See col. 5, lines 6-46, note the product with the test object is compared to a predetermined response of a product with no test object).

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Regarding claims 2 and 16, the standard reference object is a metal sphere (See col. 8, lines 29-34).

Regarding claim 3, the test module is adapted to carry out control operations for each of the detector's channels (Note that there is only one channel in Tokutsu, thus the operations
6 are perform in this or each channel).

Regarding claims 5, 6, 7, 17 and 18, the selection means selects, loads and uses one of several control programs specific to the request detected (See col. 5, line 6 to col. 6, line 25, note activation of switch 5 or 6 selects one of two control programs consisting of either a test and calibration procedure
12 or a simple and quick testing procedure).

Regarding claim 8, the detector comprises a display module (See FIGS. 1 and 4, item 11), a recording module (See items 7A, 7B, 8A, 8B), a comparison module (items 10 and 12A), an output module (item 10 also operates as an output module sending signals to the display) and a central processing unit (circuit
18 shown in FIGS. 1 or 4 operate as a processing unit) which controls the assembly.

Regarding claims 9 and 19, the display module sends signals guiding the operator in the sequencing of the test programme (See col. 5, lines 6-46).

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Regarding claim 10, the display module is adapted to give signals to proceed with passing the standard reference object through the detector (See col. 5, lines 6-46).

Regarding claim 12, the output means (58) provide an output signal representative of the test result (See col. 4, lines 31-37 and FIGS. 1 and 4, note determining means 10 outputs a signal for display to display device indicative of tested information).

Regarding claims 27 and 28, the trajectory of the standard reference object is rectilinear at a constant height and halfway between panels containing the detection and excitation coils (See FIGS. 1 and 4, note object P moving between coils).

12

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

18 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be

24 negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for

establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
- 6 3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 4 is rejected under 35 U.S.C. 103(a) as being
12 unpatentable over Tokutsu in view of Roybal (US 6,150,810).
Tokutsu teaches the features of claim 1 as noted above, however,
it does not teach the particular manner in which the switches are
activated. Roybal teaches a keyboard for use with a metal
detector (See Roybal col. 12, lines 60-67). It would have been
obvious at the time the invention was made to use a keyboard to
18 cause the switching operations in the device of Tokutsu. One
having ordinary skill in the art would have been motivated to do
so because such keyboards are common in the art for entering
control commands into metal detection apparatus (See also same
paragraph of Roybal).

24 Claims 23-26 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Tokutsu in view of Cottrell (US 4,672,837).
Regarding these claims, Tokutsu teaches of moving the test
object along a rectilinear path through the detector. However,

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Tokutsu does not teach the object passing through successive times along paths at different heights. Cottrell teaches moving a test object through a metal detector a successive number of times at pluralities of heights and distances from a center of the pathway (See col. 1, lines 45-49, col. 4, lines 14-34, and 6 col. 1, lines 65-67). It would have been obvious at the time the invention was made to move the standard reference object through the detector as taught by Tokutsu a successive number of times including two or four times at differing heights between the bottom and the top of the detector as taught by Cottrell. One having ordinary skill in the art would have been motivated 12 to do so to determine the presence of hard to detect objects passing through varying locations of the metal detector (See Cottrell col. 1, lines 6-35).

Allowable Subject Matter

Claims 11, 13, 14, 20, 21 and 22 are objected to as being 18 dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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Regarding claims 11 and 20, the prior art does not teach the display module giving signals indicating the height the standard reference object must be moved, in combination with the other features of the claims.

Regarding claims 13 and 21, while the prior art teaches
6 modifying the detection parameters during the calibration request (See Tokutsu discussed above), the prior art does not teach the modification occurring when the signals do not fall within a given predetermined response tolerance range, in combination with the other features of the claims.

Regarding claims 14 and 22, based on their dependency to
12 claims 13 and 21, have allowable subject matter for the same reasons therefor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior
18 art teach varying designs of metal detectors and calibration processes.

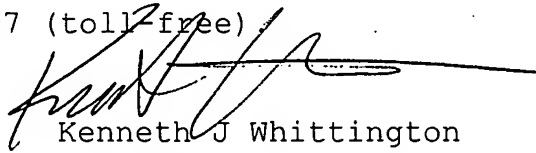
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth J. Whittington whose telephone number is (571) 272-2264. The

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examiner can normally be reached on Monday-Friday, 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kenneth J Whittington
Examiner
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kjw